

the district court an information against Sigmund Einstoss, trading as Einstoss Packing Co., Seattle Wash., alleging shipment by said defendant on or about August 14, 1935, in violation of the Food and Drugs Act, from the State of Washington into the State of Maryland of a quantity of canned salmon that was adulterated. The article was labeled in part: (Cans) "Farbest Cohoe Select Salmon * * * Packed in U. S. A. For Farwest Fisheries Inc. Seattle."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 15, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$15 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27934. Adulteration of strawberries. U. S. v. 2 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. & D. No. 40008. Sample No. 39350-C.)

This product was in whole or in part moldy.

On July 22, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of frozen strawberries at Berkeley, Calif., alleging that the article had been shipped in interstate commerce on or about July 14, 1937, by the Terminal Ice & Cold Storage Co. from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Emery Co. Strawberries."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27935. Adulteration and misbranding of jellies and misbranding of fruit spread. U. S. v. 15 Cases of Strawberry Jelly, et al. Default decree of condemnation and destruction. (F. & D. No. 40029. Sample Nos. 21175-C to 21178-C, incl.)

This case covered two lots of jellies and two lots of products which resembled preserves and which were labeled "Fruit Spread." They contained less fruit or fruit juice and more sugar than standard jellies or preserves, and they also contained added pectin and water. They were short of the declared weight.

On August 3, 1937, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases of strawberry and raspberry jellies; 40 cases of strawberry and raspberry spread at Lewiston, Maine., alleging that the articles had been shipped in interstate commerce in various shipments from April 23 to May 20, 1937, by E. & F. G. Campbell, from West Lebanon, N. H., and charging adulteration and misbranding of the jellies, and misbranding of the fruit spread in violation of the Food and Drugs Act as amended. The articles were labeled in part: "15 Oz. Home Made Strawberry [or "Raspberry"] Jelly"; "16 Oz. Home Made Strawberry [or "Raspberry"] Spread * * * Whole Fruit Cane Sugar Fruit Pectin." Both were labeled: "Made by Elizabeth Campbell West Lebanon, N. H."

The jellies were alleged to be adulterated in that sugar, pectin, and water had been mixed and packed therewith so as to reduce or lower their quality; and in that mixtures of fruit juice, sugar, pectin, and water, containing less fruit juice and more sugar than jelly had been substituted for strawberry and raspberry jellies, which they purported to be; and in that they had been mixed in a manner whereby inferiority was concealed.

All products were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to imitation jellies and preserves which were short weight: "15 Oz. Home Made Strawberry [or "Raspberry"] Jelly"; "16 Oz. Home Made Strawberry [or "Raspberry"] Spread." They were alleged to be misbranded further in that they were imitations of "Home Made Strawberry [or "Raspberry"] Jelly" and "Home Made Strawberry [or "Raspberry"] Spread"; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the quantities stated were not correct.